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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/733,434	12/10/2003	Christoph Gouguenheim	200207237-1	2133

22879 7590 08/21/2008
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FORT COLLINS, CO 80527-2400

EXAMINER

LASHLEY, LAUREL L

ART UNIT	PAPER NUMBER
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2132

NOTIFICATION DATE	DELIVERY MODE
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08/21/2008

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

JERRY.SHORMA@HP.COM
mkraft@hp.com
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Office Action Summary	Application No. 10/733,434	Applicant(s) GOUGUENHEIM ET AL.	
	Examiner LAUREL LASHLEY	Art Unit 2132	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 May 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 and 30-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-28, 30-36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. In view of the Appeal Brief filed on 05/12/2008, PROSECUTION IS HEREBY REOPENED. A new ground of rejection is set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below:

/Gilberto Barron Jr/
Supervisory Patent Examiner, Art Unit 2132

Response to Arguments

2. Applicant's arguments with respect to claims 1 – 28 and 30- 36 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

3. Claims 1 – 28 and 30 – 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kocher et al. in US Patent No. 6289455 (hereinafter Kocher) and further in view of England et al. in US Patent No. 7194092 (hereinafter England) .

4. For claim 1 and similar claims 11, 17, 19, 26, 28 and 36, KOCHER discloses:

A secure token (see column 8, lines 12 – 16) for use with an encrypted file (see column 8, lines 1 – 7) and an insecure decryption device (see column 8, lines 22 – 28), the secure token comprising a processor for protecting a first cryptographic key against unauthorized access (see column 8, lines 52 – 55), and creating a second cryptographic key (see column 7, lines 46 – 47) from the first key and a message unique (see column 8, lines 17- 28) to the insecure device, the second key usable for file decryption by the insecure device (see Abstract: rights key used to authorized usage; column 9, lines 42 – 52: content decryption key comprising and key derivation message and rights key used to decrypt digital content; column 11, lines 33 – 65 : accessing content) *but does not expressly* a first key and a message unique to an insecure device.

England however does disclose a first key and a message unique to an insecure device (see column 4, lines 1-25: hash function to generate application storage key...user storage key generated...user cannot reproduce a key that is private to another user...; column 10 lines 14-25).

Kocher and England are analogous art because they are from the same problem solving area (regulating access to digital information). At the time of the invention, it would have been obvious to a person of ordinary skill in the art to modify the method of regulating access to digital content as in Kocher such that it would incorporate application and user storage keys used to access content information associated with a user's player as in England. The motivation for doing so would have been to improve the security and integrity of digital content being accessed by respective user player.

For claim 2 and similar claims 30 and 31, KOCHER discloses:

The secure token of claim 1, wherein the secure token includes a smart card, the smart card including the processor. (see column 8, lines 12 – 16)

For claim 3 and similar claim 20, KOCHER discloses:

The secure token of claim 1, wherein the processor uses a hash function to create the second key from the message and the first key. (see column 8, lines 52 – 55: rights key required...; column 11, lines 59 - 60: hash function)

For claim 4 and similar claims 12, 18, 21, and 33 KOCHER discloses:

The secure token of claim 1, wherein the secure token performs an electronic transaction to obtain the first key. (see column 8, lines 45 – 50)

For claim 5 and similar claims 13 and 22, KOCHER discloses:

The secure token of claim 4, wherein the secure token conducts a transaction with a server to purchase a desired file; and wherein the secure token receives the first key from the server (see column 9, lines 1 – 6; column 10, lines 50 – 55).

For claim 6 and similar claims 14 and 23, KOCHER discloses:

The secure token of claim 4, wherein the secure token conducts a transaction with a peer to purchase a file; and wherein the secure token receives the first key from the peer (see column 9, lines 1 – 6; column 10, lines 50 – 55).

For claim 7 and similar claims 15 and 24, KOCHER discloses:

The secure token of claim 4, wherein the secure token conducts a transaction with a peer to sell a file; and wherein the secure token sends the first key to the peer (see column 7, lines 65 – 67: device key; column 9, lines 1 - 6).

For claim 8 and similar claims 16 and 25, KOCHER discloses:

The secure token of claim 7, wherein the secure token creates a third key that is unique to the peer, and sends the third key to the insecure device and the peer (see column 7, lines 65 – 67: device key; column 9, lines 1 – 6).

For claim 9 and similar claim 27, KOCHER discloses:

The secure token of claim 1, further comprising means for receiving the first key and encrypted data (see column 22, lines 35 – 40), wherein the insecure device uses the second key to decrypt the encrypted data (see column 9, lines 42 – 52: playback decrypts content with content decryption key).

For claim 10 and similar claim 34, KOCHER discloses:

The secure token of claim 1, wherein processing power of the secure token is significantly less than processing power of the insecure device. (see column 4, lines 23 – 27)

For claim 35, KOCHER discloses:

The system of claim 28, further comprising a peer-to-peer application for identifying peers having desired files. (see column 9, lines 7 – 15)

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Katz et al. in US Patent No. 6560651 discloses a digital information library and delivery system with logic for generating files targeting a playback device.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to LAUREL LASHLEY whose telephone number is (571)272-0693. The examiner can normally be reached on Monday - Thursday, alt Fridays btw 7:30 am & 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron, Jr. can be reached on 571-272-3799. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Laurel Lashley
Examiner
Art Unit 2132
/L. L./
29 July 2008

/Benjamin E Lanier/
Primary Examiner, Art Unit 2132